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EXAMINER

GAUTHIER, GERALD

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/164,807	CASTAGNA, WILLIAM D. <i>WJ</i>
	Examiner Gerald Gauthier	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____ .
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____ .
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Barber et al. (US 5,251,251).**

Regarding **claim 1**, Barber discloses a telecommunications network-based greeting card method (column 1, lines 7-15), (which reads on claimed "method of personalizing voice messages") to be used by a voice mail system (300 on FIG. 1) in interacting with a user (column 4, line 29 "recipient") based on information provided by the user (column 4, lines 28-29 "access code") in an interactive communication between the system and the user (column 4, lines 19-32) comprising the steps of:

creating a plurality of sets of recorded messages (a subscriber of Barber on column 3, lines 34-36 "can create a set with a single message for a recipient and the system of Barber provides such service for plural subscribers; therefore, Barber inherently has the claimed sets") each set having a distinct personality ("since the subscriber is referring to the recipient by name with a unique message to that recipient; therefore the message in its message set has a distinct personality" column 4, lines 33-

40) for interacting with the voice mail system (column 4, lines 28-40) [The recipient call the system and used the access code to retrieve a personalized message];

selecting a recorded message (column 6, lines 3-4 "message selection code) from the plurality of sets of recorded messages (column 6, lines 5-6 "the library of prerecorded messages") based on interactive inquiries (column 6, line 4 "access code") between the user and the voice mail system (column 6, lines 3-12) [The access code is verified and if it is valid, it contained a message. The system uses the access code to retrieve and play out the personalized voice message].

Regarding **claim 26**, Barber discloses a telecommunications network-based greeting card system (column 1, lines 7-15) (which reads on claimed "an apparatus for personalizing voice messages") to be used by a voice mail system (300 on FIG. 1) in interacting with a user (column 4, line 29 "recipient") based on information provided by the user (column 4, lines 28-29 "access code") in a communication between the voice mail system and the user (column 4, lines 19-32) comprising:

- an application module (100 on FIG. 1);
- a management module (102 on FIG. 2);
- a media module (400 on FIG. 1) interconnected to the application module and the management module (100 and 400 on FIG. 1);
- a storage medium (300 on FIG. 1) connected to the media module, the management module, and the application module (100, 300 and 400 on FIG.1).

means (column 3, line 37 "telephones") for creating a plurality of sets of recorded messages (column 3, lines 34-36 "each recorded message is a set) according to distinct personalities (column 4, lines 33-40 "since the subscriber is referring to the recipient by name, the set is a distinct personality) for each such set for interacting with the voice mail system (column 4, lines 28-40) [The recipient call the system and used the access code to retrieve a personalized message];

means (column 6, line 4 "access code") for selecting a recorded message (column 6, lines 3-4 "message selection code) from within areas (column 6, line 5 "corresponding message data) of the plurality of sets of recorded messages (column 6, lines 5-6 "the library of prerecorded messages") based on interactive inquiries (column 6, line 4 "access code") between the user and the voice mail system (column 6, lines 3-12) [The access code is verified and if it is valid, it contained a message. The system uses the access code to retrieve and play out the personalized voice message].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-2, 4-8, 14-15 and 22-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (US 4,850,005).

Regarding **claim 1**, Hashimoto discloses a telephone-answering device with artificial intelligence (column 1, lines 7-17), (which reads on claimed "a method of personalizing voice messages to be used a voice mail system") in interacting with a user (column 3, line 28 "calling parties") based on information provided by the user (column 3, line 37 "Key 1") in an interactive communication between the voice mail system and the user (column 3, lines 26-58) comprising the steps of:

creating a plurality of sets (column 3, lines 24-25 "clearly each specific calling party has one set of messages stored in a specific memory") of recorded messages (column 3, line 24) for interacting with a voice mail system (column 3, lines 49-62) [Keys "2", "3" and "4" represent a set of messages recorded for specific calling parties by pressing those keys these messages can be played back to the caller];

selecting a recorded message (column 4, line 6 "one of the memories") from the plurality of sets of recorded messages based on the interactive inquiries (column 4, line 4 "1-4 is pushed") between the user and the voice mail system (column 4, lines 4-13) [If

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any of the keys is pushed an associated memory is selected and played back by the speaker].

Hashimoto fails to explicitly mention having personality on each of the recorded messages.

However, it was obvious for the user to make a message with a personality such as announcing the name of the caller in the message. For example, the specific message could be "Kimura I will call you back as soon as possible".

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to add personality to each of the outgoing in the invention of Hashimoto.

The modification of the invention will offer the capability of having specific outgoing messages for a specific caller such as the caller would feel important listen to the recorded message when the caller's name is being announced first in the greeting.

Regarding **claims 2 and 27**, Hashimoto discloses the step of personalizing the selected recorded message responsive to the information provided by the user (column 4, lines 26-40).

Regarding **claim 4**, Hashimoto discloses the creating step comprises automatically creating a set of recorded messages corresponding to the user's own voice and speech patterns using voice recognition (column 4, lines 42-52).

Regarding **claim 5**, Hashimoto discloses the selecting step comprises:

playing a sample introduction from a plurality of the sets of recorded message while waiting for a selection entry from the user (column 5, lines 40-42);

affecting a recorded message responsive to the selection entry made by the user (column 5, lines 60-66); and

affecting a recorded message based on a previous selection if no selection entry is made by the user (column 6, lines 36-41).

Regarding **claim 6**, Hashimoto discloses the step of confirming the selected recorded message by playing back to the user a confirmation message using the same personality as the selected message (column 5, lines 40-42).

Regarding **claim 7**, Hashimoto discloses the selecting step comprises conducting an interview with the user to determine an appropriate selection based on responses given by the user (column 5, lines 35-42).

Regarding **claim 8**, Hashimoto discloses the selecting step comprises selecting a pre-determined recorded message based on identification of the user by voice recognition (column 5, lines 60-66).

Regarding **claim 14**, Hashimoto discloses the plurality of sets of recorded messages is used for the system prompts to the user (FIG. 2-1).

Regarding **claim 15**, Hashimoto discloses the interactive inquiries between the user and the voice mail system is determined by the system according to the user's competence in interacting with the system (column 5, lines 23-35).

Regarding **claim 22**, Hashimoto discloses the plurality of sets of recorded messages are used for making system-wide changes in level of messages for a particular user (column 5, lines 23-35).

Regarding **claim 23**, Hashimoto discloses the plurality of sets of recorded messages is used for changing the system prompts at a local point in the system (column 5, lines 40-42).

Regarding **claim 24**, Hashimoto discloses the user is a subscriber of the voice mail system (column 3, lines 49-51).

Regarding **claim 25**, Hashimoto discloses the user is an outside caller (column 5, lines 35-43).

Regarding **claim 26**, Regarding **claim 26**, Hashimoto discloses a telephone-answering device with artificial intelligence (column 1, lines 7-17), (which reads on claimed “an apparatus for personalizing voice messages to be used by a voice mail system”) in interacting with a user (column 3, line 28 “calling parties”) based on information provided by the user (column 3, line 37 “Key 1”) in a communication between the voice mail system and the user (column 3, lines 26-58) comprising:

an application module (4 on FIG. 1a);
management module (2 on FIG. 1b);
a media module (1 and 1a on FIG. 1a) interconnected to the application module and the management module (column 2, lines 6-13);
a storage medium (RAM-1 on FIG. 1b) connected to the media module, the management module, and the application module (column 2, lines 31-41);
means (column 3, line 28 “RAM-1”) for creating a plurality of sets (column 3, lines 24-25 “clearly each specific calling party has one set of messages stored in a specific memory”) of recorded messages (column 3, line 24) for interacting with a voice mail system (column 3, lines 24-62) [Keys “2”, “3” and “4” represent a set of messages recorded for specific calling parties by pressing those keys these messages can be played back to the caller];
means (column 4, line 3 “OGM-PLAY key”) for selecting a recorded message (column 4, line 6 “one of the memories”) from within areas (column 4, line 6 “memories”) the plurality of sets of recorded messages based on the interactive inquiries (column 4, line 4 “1-4 is pushed”) between the user and the voice mail system (column 4, lines 3-

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13) [If any of the keys is pushed an associated memory is selected and played back by the speaker].

Hashimoto fails to explicitly mention having personality on each of the recorded messages.

However, it was obvious for the user to make a message with a personality such as announcing the name of the caller in the message. For example, the specific message could be "Kimura I will call you back as soon as possible".

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to add personality to each of the outgoing in the invention of Hashimoto.

The modification of the invention will offer the capability of having specific outgoing messages for a specific caller such as the caller would feel important listen to the recorded message when the caller's name is being announced first in the greeting.

Regarding **claim 28**, Hashimoto discloses means for playing a sample introduction from a plurality of the sets of recorded message while waiting for a selection entry from the user (column 4, lines 42-52);
means for affecting a recorded message responsive to the selection entry made by the user (column 5, lines 48-60);
means for affecting a recorded message based on a previous selection if no selection entry is made by the user (column 5, lines 48-60).
means for confirming the selected recorded message by playing back to the user a confirmation message using the same personality as the selected message (column 52, lines 35-42).

5. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Laskowski (1997 L JL Seminars).

Regarding **claim 3**, Hashimoto as applied to **claim 2** above differs from **claim 3** in that it fails to disclose modifying the speed of the selected recorded message.

However, Laskowski teaches the personalizing step comprises modifying the speed of the selected recorded message (Paragraph 2 on Tips when "Answering" the telephone call).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto by adding the modification of the speed of the selected recorded message as taught by Laskowski.

The modification will allow the system to modify the speed of the selected recorded message such that the system would extract the data related.

6. **Claims 9-13 and 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Johnson (US 6,005,928).

Regarding **claims 9 and 29**, Hashimoto as applied to **claims 1 and 26** above differs from **claims 9 and 29** in that it fails to disclose a calling number using ANI.

However, Johnson teaches the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number using ANI information contained in data received by the voice mail system (column 3, lines 38-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a calling number using ANI of Johnson in the invention of Hashimoto.

The modification of the invention will offer the capability of selecting a pre-determined recorded message based on identification of a calling number using ANI such as the messages would be played according to the calling number.

Regarding **claims 10 and 30**, Hashimoto as applied to **claims 1 and 26** above differs from **claims 10 and 30** in that it fails to disclose using Caller ID information.

However, Johnson teaches the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number, using Caller ID information (column 3, lines 38-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the Caller ID information of Johnson in the invention of Hashimoto.

The modification of the invention will offer the capability of selecting a pre-determined recorded message based on identification of Caller ID information such as the messages would be played according to the calling number.

Regarding **claim 11**, Hashimoto as applied to **claim 1** above differs from **claim 11** in that it fails to disclose using an address book.

However, Johnson teaches the selecting step comprises selecting a recorded message for a person associated with an entry in an address book (column 3, lines 6-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an address book of Johnson in the invention of Hashimoto.

The modification of the invention will offer the capability of selecting a pre-determined recorded message based on an address book such as the messages would be played according to the calling name and number.

Regarding **claims 12 and 31**, Hashimoto discloses seeking confirmation from the user for a matched voice pattern using a previously selected personality (column 5, lines 40-42);

selecting a pre-determined recorded message based on the matched voice pattern (column 5, lines 48-60).

Hashimoto fails to disclose searching a database.

However, Johnson teaches searching a database having entries for associations between voice patterns of users identified by a voice recognition system and calling numbers according to ANI information to find a match for a calling number (column 3, lines 37-46);

searching the database to find a match for the user's voice pattern associated with a matched calling number (column 3, lines 37-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto by adding the searching a database step as taught by Johnson.

The modification will allow the system to include the searching a database such that the voice recognition requirements would be reduced.

Regarding **claims 13 and 31**, Hashimoto discloses the step of adding a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found (column 7, lines 9-23).

7. **Claims 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Pfeiffer et al. (US 4,785,473).

Regarding **claim 16**, Hashimoto as applied to **claim 15** above differs from **claim 16** in that it fails to disclose sets of recorded messages differ in length and speed.

However, Pfeiffer teaches the plurality of sets of recorded messages differ in length and speed (column 9, lines 52-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto by further adding sets of recorded messages differ in length and speed as taught by Pfeiffer.

The modification will allow the system to sets of recorded messages differ in length and speed such that the voice message segment would have a shorter length.

Regarding **claim 17**, Hashimoto as applied to **claim 15** above differs from **claim 17** in that it fails to disclose a plurality of detection criteria monitored by the system.

However, Pfeiffer teaches the user's competence is determined by a plurality of detection criteria monitored by the system (column 4, lines 57-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto by further adding a plurality of detection criteria monitored by the system as taught by Pfeiffer.

The modification will allow the system to have a plurality of detection criteria monitored by the system such that the commands would identify a user.

8. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Pfeiffer and in further view of Tatchell et al. (US 5,905,774).

Regarding **claim 18**, Hashimoto and Pfeiffer as applied to **claim 17** above differ from **claim 18** in that it fails to disclose the frequency at which the user reaches a particular point in the system.

However, Tatchell teaches detection criterion is the frequency at which the user reaches a particular point in the system (column 12, lines 1-4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto and Pfeiffer by further adding the frequency at which the user reaches a particular point in the system of Tatchell.

The modification will allow the system to detect criterion in the frequency at which the user reaches a particular point in the system such that the predetermined response would be provided to the user.

9. **Claims 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Pfeiffer and in further view of Mark.

Regarding **claim 19**, Hashimoto and Pfeiffer as applied to **claim 17** above differ from **claim 19** in that it fails to disclose the errors made by the user.

However, Mark teaches detection criterion is the errors made by the user (column 49, lines 45-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto and Pfeiffer by further adding the errors made by the user of Mark.

The modification will allow the system to detect criterion in the errors made by the user such that the unauthorized user would make the system unattractive.

Regarding **claim 20**, Hashimoto and Pfeiffer as applied to **claim 17** above differ from **claim 20** in that it fails to disclose the long pauses of the system without user response.

However, Mark teaches detection criterion is the long pauses of the system without user response at the same point in the system on consecutive calls (column 29, lines 4-12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto and Pfeiffer by further adding the long pauses of the system without user response of Mark.

The modification will allow the system to detect criterion the long pauses of the system without user response such that the detectors would accept a silence period.

10. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Pfeiffer and in further view of Pepper et al. (US 5,930,700).

Regarding **claim 21**, Hashimoto and Pfeiffer as applied to **claim 17** above differ from **claim 21** in that it fails to disclose how quickly the user halts a message with a selection.

However, Pepper teaches a detection criterion how quickly the user halts a message with a selection (column 8, line 60 to column 9, line 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto and Pfeiffer by further adding how quickly the user halts a message with a selection of Pepper.

The modification will allow the system to detect criterion of how quickly the user halts a message with a selection such that pressing the appropriate button would mark the message.

Response to Arguments

11. Applicant's arguments filed on October 29, 2002 have been fully considered but they are not persuasive.

- a) Page 3, third paragraph the applicant cited that Barber has no multiple sets of messages and the central controller is not an application module, the CPU is not a management module and the public network is not a media module. The examiner respectfully disagrees.

Barber has a library of recorded messages (400 on FIG. 1) from different subscribers for the corresponding recipients therefore Barber discloses a multiple sets of messages such that each subscriber has its own set for collecting a message for a dedicated message recipient.

The central controller inherently runs on software. Therefore the software reads on the claimed application module.

The software being run on the CPU for managing the operation of the facility reads on the claimed management module.

b) The applicant further argues on page 3 of the amendment that Hashimoto has one set of messages to choose from but are not a group of sets of messages.

The examiner respectfully disagrees. Hashimoto has multiple memory for recording messages (RAM 1-4 on FIG. 1b) and each RAM contains sets of messages (RAM – 3 on FIG. 2-2) therefore Hashimoto discloses a multiple sets of messages.

c) The applicant also argues on page 4 of the amendment that adding the recipient name to the outgoing message is not related to the personality characteristics of the message.

The examiner respectfully disagrees. It is because adding a person's name to an outgoing message would distinct that message from the other messages and makes that message with its own personality.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
December 30, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
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